

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

CLEON ELROY DILLARD, SR.,

Plaintiff,

V.

JOSHUA SALMON, *et al.*,

Defendants.

Civil Action No. 7:22cv00254

MEMORANDUM OPINION

By: Hon. Thomas T. Cullen
United States District Judge

Plaintiff Cleon Elroy Dillard, Sr., proceeding *pro se*, filed this civil action under 42 U.S.C. § 1983. By Memorandum Opinion and Order entered on July 28, 2022, the court dismissed the action without prejudice after Dillard failed to comply with the court’s order concerning his *in forma pauperis* (“IFP”) status. (*See* ECF Nos. 17 & 18.) Thereafter, the court received a letter and untimely application to proceed IFP. (*See* ECF Nos. 20 & 21.) In his letter, Dillard stated that he “did not get his mail on time to answer the court” and asked the court to “continue” his case. (*See* ECF No. 20.) By Orders entered March 8, 2023, the court reopened this action, granted Dillard’s request to proceed IFP, and directed Dillard to advise the court within 10 days as to whether he still wished to proceed with this action. (*See* ECF Nos. 22 & 23.) The court warned Dillard that failure to respond to the court’s Order would result in dismissal of the action. (*Id.*) To date, Dillard has not responded. Accordingly, the court will dismiss this action without prejudice for failure to comply with the court’s order.

The Clerk is directed to send copies of this Memorandum Opinion and the accompanying Order to the parties.

ENTERED this 2nd day of May, 2023.

/s/ Thomas T. Cullen
HON. THOMAS T. CULLEN
UNITED STATES DISTRICT JUDGE